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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/074,413	02/12/2002	Mark J. Enzmann	010418	7008

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EXAMINER

GARY, ERIKA A

ART UNIT	PAPER NUMBER
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2681

DATE MAILED: 06/03/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/074,413

Applicant(s)

ENZMANN ET AL.

Examiner

Erika A. Gary

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 January 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1, 5, 8-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Park et al., US Patent Number 6,490,455 (hereinafter Park) in view of Schiffbauer et al., US Patent Number 5,939,986 (hereinafter Schiffbauer).

Regarding claim 1, Park discloses a wireless terminal locator, comprising: a transmitter for transmitting a dominant overhead signal inside an area in which external overhead signals have been attenuated; a receiver for receiving a wireless terminal identification inside the area; and a processor operable for instructing the transmitter to selectively page an identified wireless terminal to reveal its location inside the area [fig. 3; abstract; col. 2: lines 5-25; col. 4: line 62 – col. 5: line 10].

What Park does not specifically disclose is causing the identified wireless terminal to emit an audible ring to reveal its own location inside the area. However, Schiffbauer teaches this limitation [col. 2: lines 18-32].

At the time of the invention, it would have been obvious to one of ordinary skill in the art to modify Park to include Schiffbauer. The motivation for this combination would have been to alert the user (or others in the area) that the user is in a designated area.

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Regarding claim 5, Park discloses a data storage device [fig. 3: ref. 260].

Regarding claim 8, Park discloses a portable device, comprising a base station emulator programmable to emit a signal and selectively page a wireless terminal that tunes to the signal to register, wherein the paging signal reveals the location of the wireless terminal [fig. 3; abstract; col. 2: lines 5-25; col. 4: line 62 – col. 5: line 10].

What Park does not specifically disclose is causing the identified wireless terminal to emit an audible ring to reveal its own location inside the area. However, Schiffbauer teaches this limitation [col. 2: lines 18-32].

At the time of the invention, it would have been obvious to one of ordinary skill in the art to modify Park to include Schiffbauer. The motivation for this combination would have been to alert the user (or others in the area) that the user is in a designated area.

Regarding claim 9, Park discloses a wireless terminal locator, comprising: means for transmitting a dominant overheard signal inside an area in which external overhead signals have been attenuated; means for receiving wireless terminal identification inside the area; and processor means for instructing the transmitting means to selectively page an identified wireless terminal and thereby to reveal its location inside the area [fig. 3; abstract; col. 2: lines 5-25; col. 4: line 62 – col. 5: line 10].

What Park does not specifically disclose is causing the identified wireless terminal to emit an audible ring to reveal its own location inside the area. However, Schiffbauer teaches this limitation [col. 2: lines 18-32].

At the time of the invention, it would have been obvious to one of ordinary skill in the art to modify Park to include Schiffbauer. The motivation for this combination would have been to alert the user (or others in the area) that the user is in a designated area.

Regarding claim 10, Park discloses a method of locating an active wireless terminal inside an area, the method comprising: transmitting an overhead signal that is dominant inside the area; receiving an identification from the wireless terminal; and selectively paging the identified wireless terminal to audibly reveal its location inside the area [fig. 3; abstract; col. 2: lines 5-25; col. 4: line 62 – col. 5: line 10].

What Park does not specifically disclose is causing the identified wireless terminal to emit an audible ring to reveal its own location inside the area. However, Schiffbauer teaches this limitation [col. 2: lines 18-32].

At the time of the invention, it would have been obvious to one of ordinary skill in the art to modify Park to include Schiffbauer. The motivation for this combination would have been to alert the user (or others in the area) that the user is in a designated area.

Regarding claim 11, it is inherent to queue wireless terminal devices before paging. Typically, queuing is performed on a first in, first out basis.

3. Claims 2-4, 6, and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Park and Schiffbauer in view of Edstam, US Patent Number 6,718,175 (hereinafter Edstam).

Regarding claim 2-4, Park and Schiffbauer do not specifically disclose the portability or location of the wireless terminal locator. However, Edstam teaches these

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limitations in the disclosure of a method and system to prevent wireless terminals from being used in radiosensitive areas. Edstam teaches that a wireless terminal locator as a stand-alone device [col. 2: lines 60-65] that can also be mounted on a vehicle [col. 4: lines 49-50]. Therefore, Edstam suggests that the wireless terminal locator can be handheld, portable, or wall-mounted.

At the time of the invention, it would have been obvious to one of ordinary skill in the art to modify Park and Schiffbauer to include Edstam to specifically point out the location of the wireless terminal locator. Whether the locator is portable or wall-mounted lacks criticality to the overall function of the invention, which is to prevent wireless terminal usage in restricted areas by first locating the terminal as being in the restricted area.

Regarding claims 6 and 7, Edstam suggests a display and an operator interface for real time control [col. 3: lines 5-12]. At the time of the invention, it would have been obvious to one of ordinary skill in the art to include a display and operator interface for greater control and monitoring of the wireless terminal locator.

4. Claims 12-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Park and Schiffbauer in view of da Silva, US Patent Number 6,496,703 (hereinafter da Silva).

Regarding claims 12-14, da Silva teaches comparing the identification information with a predetermined list of wireless terminal identifications and paging the

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wireless terminal when it is not included in the predetermined list [col. 6: lines 25-40].

Therefore, based on operator selection, only certain terminals are paged.

At the time of the invention, it would have been obvious to one of ordinary skill in the art to modify Park and Schiffbauer to include da Silva to allow certain authorized users in a restricted area.

Conclusion

5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Erika A. Gary whose telephone number is 571-272-


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7841. The examiner can normally be reached on Monday-Thursday and alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Emmanuel Moise can be reached on 571-272-3865. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

EAG
May 26, 2005


ERIKA A. GARY
PRIMARY EXAMINER